

Congress of the United States
Washington, DC 20515

March 17, 2011

The Honorable Gene L. Dodaro
Comptroller General
Government Accountability Office
Washington, DC 20548

Dear Mr. Dodaro:

We write to request that the Government Accountability Office examine the extent to which data are available on payments under the Equal Access to Justice Act (EAJA) at the Departments of Interior and Agriculture for fiscal years 2000-2010—who has made claims for payment, which of these claims were paid, and how much was paid for each approved claim.

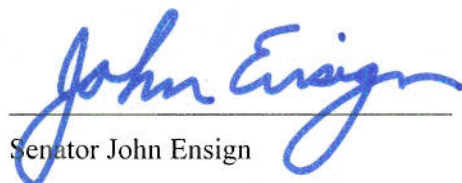
EAJA was established by Congress to ensure that individuals, small business or public interest groups with limited financial capacity could seek judicial redress from unreasonable government actions. EAJA allows plaintiffs to seek reimbursement from the federal government for attorneys' fees related to the case brought against the government itself.

In 1998, GAO reported on payments under the EAJA across the federal government for fiscal years 1982 through 1994. In 1995, the requirement that federal agencies report on EAJA claims and payments was statutorily rescinded. There has been no official accounting of EAJA payments since. In our request letter of March 24, 2010, we requested that GAO provide a government-wide report on EAJA payments between 1994 and the present. After discussing the methodological challenges of obtaining such information, we are amending our request to narrow the focus of GAO's review to the Departments of Interior and Agriculture. Neither of these Departments reported any claims for payment for fiscal years 1982-1994. However, recent media articles have indicated that the number of EAJA claims and payments by these agencies has been growing in recent years due to litigation involving these agencies.

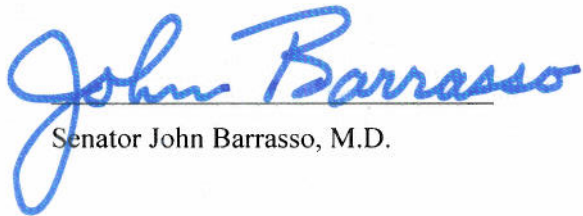
We are requesting that GAO begin this work as soon as possible. The contact for this request is Otto Mucklo with Senator John Ensign (224-6244) and Pete Obermueller with Representative Cynthia Lummis (225-2311).

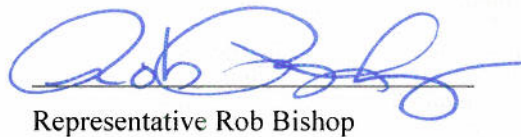
Thank you for your attention to this request, and we look forward to your report.

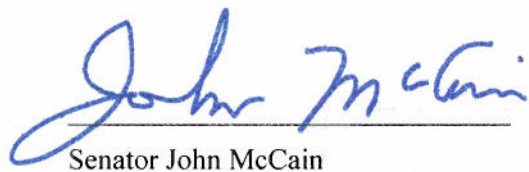
Sincerely,

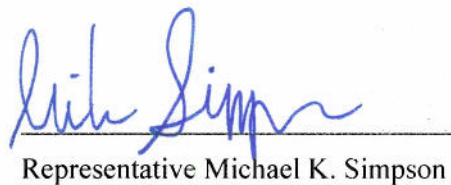

Senator John Ensign

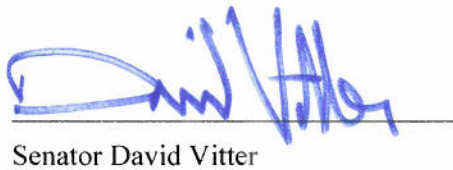

Representative Cynthia M. Lummis

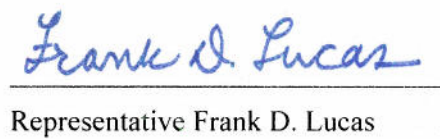

Senator John Barrasso, M.D.


Representative Rob Bishop


Senator John McCain

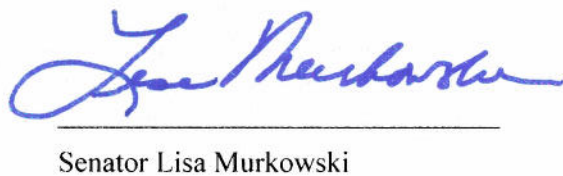

Representative Michael K. Simpson


Senator David Vitter


Representative Frank D. Lucas


Senator Michael B. Enzi


Representative Lamar Smith


Senator Lisa Murkowski
